

ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, CHAPTER 216 PARKS AND RECREATION, § 216-5 ENTITLED PROHIBITED USES AND ACTIVITIES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Whereas, smoking is responsible for premature deaths of over 440,000 Americans each year from lung cancer, heart disease, and other smoking related diseases. It kills more Americans each year than alcohol, cocaine, heroin, crack, homicide, suicide, accidents, fires and AIDS combined. Eighty percent of smokers started smoking before the age of 18, and the average initiation age is 12 years old.

Section 2. Whereas, secondhand smoke has been repeatedly identified as a health hazard as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;
- Secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children;
- Secondhand smoke has been designated as a known human carcinogen by the Environmental Protection Agency and the Public Health Service's National Toxicology Report;
- The 2006 U.S. Surgeon General's Report on involuntary Exposure to Secondhand Smoke concludes that even brief exposures to secondhand smoke may increase the severity of asthma attacks and lower respiratory tract infections, especially in children, and have adverse effects on the heart; and
- Secondhand smoke is responsible for approximately 47,400 deaths among nonsmokers each year in the United States.

Section 3. Section 216-5 of Chapter 216 of the City Code of Ordinance entitled "Prohibited uses and activities" is amended to add the following section.

§ 216-5 Prohibiting uses and activities

R. No person shall smoke within the City's sport fields, swimming pools, or playgrounds. For purposes of this section, to "smoke" means to burn a lighted cigar, cigarette, or pipe, or to use any other substances which contain tobacco. Violation of this Section shall be an offense punishable by a fine of \$50.00. Appropriate signage shall be posted designating tobacco-free zones; however, the presence or absence of signs shall not be a defense to a violation of this Section.

Section 4. This ordinance shall take effect immediately.

Approved as to form May 9, 2012

Ian H. Silverman, Esq., Corporation Counsel